

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

David Johnson

v.
Town of Weare, et al.

Civil No. 12-cv-032-SM

NOTICE OF RULING

Re: Document No. 15, Emergency Motion to Extend Time for 30 days For Filing Proposed Discovery Plan, to reschedule Pretrial Conference set for 10/10/2012 and Motion to Appoint Counsel

Granted in part; denied in part. To the extent plaintiff requests an extension of time to file a proposed discovery plan (prayer A) and a continuance of the pretrial conference (prayer B) scheduled for October 10, 2012, the motion (doc. no. 15) is granted. Plaintiff shall file his proposed discovery plan on or before October 26, 2012, and the pretrial conference shall be rescheduled. To the extent that plaintiff requests the appointment of counsel, plaintiff has not shown that there are exceptional circumstances in this case warranting counsel's appointment. See DesRosiers v. Moran, 949 F.2d 15, 24 (1st Cir. 1991). The request for counsel (prayer C) is therefore DENIED without prejudice to refiling if exceptional circumstances may be shown that warrant counsel's appointment to avoid fundamental unfairness.

A handwritten signature in black ink, appearing to be 'Landya McCafferty', written over a horizontal line.

Landya McCafferty
United States Magistrate Judge

Date: October 5, 2012

cc: Charles P. Bauer, Esq.
Andrew B. Livernois, Esq.
David Johnson, pro se